



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,356	03/30/2006	Yong-Duck Lee	11281-101-999	9247
20583	7590	06/09/2009	EXAMINER	
JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017		FLANIGAN, ALLEN J		
		ART UNIT		PAPER NUMBER
		3744		
		MAIL DATE		DELIVERY MODE
		06/09/2009		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/574,356	LEE ET AL.	
	Examiner	Art Unit	
	Allen J. Flanigan	3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>2/08-8/08</u> .	6) <input type="checkbox"/> Other: ____ .

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 5-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Arimoto et al.

As noted in the PCT search report, Arimoto et al. show a planar heat pipe in which a casing comprising two metal foil layers 1, 3 are sealed about a wire mesh wicking structure 2 consisting of “at least one sheet” of wire mesh pinched between the casing members. The recitation in claim 1 regarding the “dispersion channel of vapor is formed . . .” merely recites an inherent property of any wire mesh wick, i.e. that it provides both vapor passage space and corners that utilize the surface tension of liquid to provide capillary flow paths for the liquid. The remaining limitations of the above claims are all disclosed in Arimoto et al.

Regarding claim 7, it is believed that the “pinching” of the thin foil casing against the mesh wick, and the disclosed application of vacuum in Arimoto et al. will necessarily distort the shape of the envelope as it is pressed against the mesh, thus inherently defining an “uneven surface” as claimed.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Arimoto et al.

Arimoto et al. disclose ranges of values for mesh number, wire diameter and casing thickness that at least overlap the claimed ranges. Whether such teachings constitute anticipation depends on whether the teachings of Arimoto et al. disclose at least one specific value within the claimed range, and if not, whether Arimoto et al. can be said to teach at the claimed range with “sufficient specificity”¹. It is noted that Arimoto et al. teach at least one example of wire mesh having wire diameter of 150 micrometers, which clearly falls within the claimed range. Similarly, a specific example is given using thin sheets of copper foil that yield an overall thickness for the planar heat pipe of 1.0 mm (paragraph 34 of the translation). Finally, a specific example (paragraph 33 of the translation) employs sheets of mesh number 50. Thus, specific examples are believed to be taught that fall within the claimed ranges. Even if Arimoto et al. cannot be said to anticipate the above claims, the fact that the disclosed ranges of Arimoto et al. overlap the claimed ranges establishes *prima facie* the obviousness of the claimed ranges. See MPEP 2144.05.

¹ See MPEP 2131.03, **Anticipation of Ranges**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The remaining references of record show various planar heat pipe designs and/or designs of heat pipes employing mesh wick structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen J. Flanigan whose telephone number is (571) 272-4910. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/574,356
Art Unit: 3744

Page 5

/Allen J. Flanigan/
Primary Examiner, Art Unit 3744